

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

BRIAN SCOTT PATE,

Petitioner,

VS.

CASE NO.
1:06-CV-500-MHT

TERRANCE McDONNELL, WARDEN,
et al.,

Respondents.

**MOTION FOR A 21-DAY ENLARGEMENT TO FILE
RESPONSE TO FEDERAL HABEAS CORPUS PETITION**

Come now the Respondents, by and through the Attorney General for the State of Alabama, and move this Honorable Court for an Order granting Respondents an enlargement of twenty (21) days from Monday, September 11, 2006, in which to file their response in the above styled cause. As grounds for said enlargement, Respondents show the following:

1. Undersigned counsel has been involved in other cases in the federal district courts and the appellate courts of the State of Alabama and therefore has had insufficient time in which to review all claims in Pate's petition and to prepare a response. To prepare an adequate response to the issues raised in Pate's petition,

the undersigned is required to review the trial transcript, direct appeal, Rule 32 proceedings, and other documents.

2. The Petitioner's rights will not be prejudiced by this extension in any manner.

Wherefore, desiring to provide this Court with a thorough answer, in which the facts and law are properly evaluated, the Respondents respectfully request this Court to grant the motion for enlargement and allow an additional 21 days, until October 2, 2006, in which to file an answer to Pate's federal habeas claims.

Respectfully submitted,

Troy King (KIN047)
Attorney General
By:

/s/Madeline Hinson Lewis
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CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day of September, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant: Brain Scott Pate, AIS # 229345, Kilby Correctional Facility, P.O. Box 150 Mt Meigs, AL 36057.

/s/ Madeline Hinson Lewis
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